

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID B. NEWMAN and IRA F/B/O DAVID
NEWMAN-PERSHING LLC as Custodian, on behalf of
themselves and all Others Similarly Situated, and
Derivatively on behalf of FM LOW VOLATILITY FUND,
L.P.,

Plaintiffs,

v.

FAMILY MANAGEMENT CORPORATION;
SEYMOUR W. ZISES; ANDREA L. TESSLER;
ANDOVER ASSOCIATES LLC I; ANDOVER
ASSOCIATES MANAGEMENT CORP.; BEACON
ASSOCIATES LLC I; BEACON ASSOCIATES
MANAGEMENT CORP.; JOEL DANZIGER; HARRIS
MARKHOFF; IVY ASSET MANAGEMENT CORP.;
THE BANK OF NEW YORK MELLON
CORPORATION; MAXAM CAPITAL MANAGEMENT
LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL
MANAGEMENT LIMITED; SANDRA MANZKE; and
JOHN DOES 1-100,

Defendants,

and FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant.
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08 Civ. 11215 (LBS)

ECF CASE

CERTIFICATE OF SERVICE

I, Kimberly A. Lynch, assistant managing clerk at Cleary Gottlieb Steen & Hamilton

LLP, hereby certify that:

On July 23, 2010, copies of the foregoing Reply Memorandum of Law in Further Support
of Ivy Asset Management LLC's and The Bank of New York Mellon Corporation's Motion to

Dismiss were served on all parties by electronic transmission through the Court's CM/ECF System.

/s/ Kimberly A. Lynch
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